

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARCHER AND WHITE SALES, INC.,

Plaintiff,

v.

**HENRY SCHEIN, INC., DANAHER
CORPORATION, INSTRUMENTARIUM
DENTAL, INC., DENTAL EQUIPMENT,
LLC, KAVO DENTAL TECHNOLOGIES,
LLC, and DENTAL IMAGING
TECHNOLOGIES CORPORATION,**

Defendants.

Civil Action No. 2:12-CV-00572-JRG

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL

Defendant Benco Dental Supply Company moved to compel production of certain settlement agreements. Dkt. 541-0. Subsequently, the relevant counter-parties consented to production, the parties resolved their dispute, and Plaintiff Archer and White Sales, Inc. ("Archer") will produce the relevant documents. Archer therefore requests that the Court deny the motion to compel as moot.

Dated: March 26, 2021

Respectfully submitted,

By: /s/ Samuel F. Baxter

Samuel F. Baxter

Texas Bar No. 01938000

sbaxter@mckoolsmith.com

Jennifer L. Truelove

Texas Bar No. 24012906

jtruelove@mckoolsmith.com

McKool Smith, P.C.

104 E. Houston, Suite 300

Marshall, Texas 75670

Telephone: (903) 923-9000

Facsimile: (903) 923-9099

Lewis T. LeClair

Texas Bar No. 12072500

lleclair@mckoolsmith.com

Gary Cruciani

Texas Bar No. 5177300

gcruciani@mckoolsmith.com

Travis DeArman

Texas Bar No. 24074117

tdearman@mckoolsmith.com

Patrick Pijls

Texas Bar No. 24118501

ppijls@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Facsimile: (214) 978-4044

***ATTORNEYS FOR PLAINTIFF ARCHER
AND WHITE SALES, INC.***

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on March 26, 2021. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Travis DeArman
Travis DeArman